



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,610	12/14/2001	John Dany Ah Sue	CSCO-014/5132	2043

26392 7590 06/29/2005

NARENDRA R. THAPPETA  
LONDON & STARK ASSOCIATES, ONE CRYSTAL PARK  
SUITE 210, 2011 CRYSTAL DRIVE  
ARLINGTON, VA 22202

EXAMINER

NGUYEN, VAN KIM T

ART UNIT PAPER NUMBER

2151

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,610

Applicant(s)

AH SUE, JOHN DANY

Examiner

Van Kim T. Nguyen

Art Unit

2151

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 12-22 is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al (US 5,818,842), hereinafter Burwell.

Regarding claim 8, as shown in Figures 1-18, Burwell discloses an apparatus comprising:  
a memory (51) designed to provide the segment identifier for transmitting data from the device (col. 6: lines 14-19);

a loopback generator (50, 52) generating a loopback packet (OAM cell) using a possible segment identifier (e.g., VCI/VPI) in a header of the loopback packet (col. 6: lines 14-19, lines 32-44);

a port interface (6,7) coupled to the network, the port interface for sending the loopback packet on the network, the port interface receiving another packet from the network (col. 9: lines 7-42);

a parser (4, 42, 44, 48) coupled to the port interface (col. 4: lines 39-65; col. 5: lines 25-57; col. 11: lines 17-55; and col. 12: lines 34-57).

a configuration block (29, 40, 41, 43) for storing the possible segment identifier as the segment identifier in the memory (col. 11: line 50 – col. 12: line 28; and col. 14: line 64 – col. 15: line 2).

Though Burwell does not explicitly call for the parser to examine the received packet to determine whether it is received in response to the sending of the loopback packet, but since Burwell's ATM network modeled as a distributed router which shares topology and reachability information with external routing peers, it would have been obvious to one of ordinary skill in the art at the time the invention was made router 4 can be used to identify the another received packet's source, destination, and whether it is received in response to the sending of the loopback packet, motivated by the need of maintaining intelligence about the topology of the network.

Regarding claims 9-10, Burwell also discloses the loopback packet comprises an ATM OAM cell and the segment identifier comprises a VPI/VCI (col. 6: lines 14-65, esp. lines 32-44).

Though Burwell does not explicitly call for the memory, loopback generator, port interface, parser and configuration block to be physically contained in the device, but since it is well known in the art device real estate is a pricey commodity and compactness of an apparatus is thus well desired, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the memory, loopback generator, port interface, parser, and configuration block physically in the device, motivated by the need to save space and consequently, costs.

### ***Response to Arguments***

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the

Art Unit: 2151

possible segment identifier is an *accurate* segment identifier ... , see para 50: lines 2-3) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### ***Allowable Subject Matter***

4. Claims 1-7 and 12-22 are allowed.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

See previous Office Action for Reason for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 2151

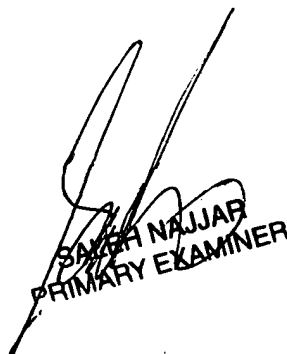
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vkn



SAKEH NAJJAR  
PRIMARY EXAMINER

Van Kim T. Nguyen  
Examiner  
Art Unit 2151